



NEW ENGLAND REGIONAL OFFICE

A diagonal banner with the word "NEWS" in a bold, sans-serif font.

FOR IMMEDIATE RELEASE

Contact: David Green (617) 406-6300  
 Brooke Menschel (617) 406-6300 After-hours (800) 340-7003

**ANTI-DEFAMATION LEAGUE SUPPORTS MBTA'S RANDOM SEARCHES**  
***Calls for T to Ensure Citizens Civil Rights***

Boston, MA, July 22, 2004... The Anti-Defamation League New England (ADL) today released a letter sent to MBTA Police Chief Joseph Carter supporting the MBTA's program of randomly searching riders' bags to fend off terrorist threats. The letter cautions that the searches should be implemented for a limited period of time and then subjected to careful evaluation and reassessment to ensure an individual's civil rights. It is signed by Regional Board Chair Ginny MacDowell and Regional Director Rob Leikind.

In supporting the MBTA's program, the ADL Regional Director Rob Leikind said:

*Today, we face twin perils. On the one hand, there is the danger that acts of terrorism could undermine our freedom and the way of life that these freedoms have made possible. On the other hand, we face the equally grave danger that in fighting the pernicious threat of terrorism we could seriously damage the values, laws and institutions that have enabled our freedom to flourish. We believe that the MBTA intends to protect the public while safeguarding civil liberties.*

ADL's decision to support the MBTA's program was made after a thorough analysis by civil rights attorneys who determined the MBTA's methodology for the random searches is legal. The League's letter pointedly calls on the MBTA to ensure individuals' civil rights are protected.

*We caution against leaving too much unguided discretion in the field implementation phase of the program, particularly with regard to which method of inspection will be utilized at any given time. We want to be clear that our support of the MBTA's policy is predicated on the belief that only careful implementation and extremely judicious use of the powers you have under the law will increase the public's confidence in the larger goal.*

ADL's letter is attached.

The Anti-Defamation League, founded in 1913, is the world's leading organization fighting anti-Semitism and all forms of hate through programs and services that counteract hatred, prejudice and bigotry.

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## NEW ENGLAND REGION



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Voices for the Future

July 22, 2004

Chief Joseph C. Carter  
MBTA Police Department  
240 Southamptton Street  
Boston, MA 02118

Dear Chief Carter:

We are writing with regard to the policy issued this week by the MBTA Police concerning the MBTA's newly announced "Security Inspection Program." After meeting with you on June 22, and reviewing both your preliminary policy and the final policy issued as MBTA Transit Police General Order 2004-19, we believe that the security inspection program raises significant legal, constitutional, cultural and philosophical questions about how best to provide effective security in these difficult times while at the same time protecting the fundamental privacy and liberty interests of passengers.

We do have several concerns, which are described below, but we believe that taken as part of the MBTA's comprehensive approach to security, the security inspection program is reasonable, and we support it. We say this in the context of complex dangers and a need for law enforcement to develop strategies in response. We have come to this conclusion as a civil rights and human relations organization that for 91 years has dedicated itself to fighting hate, safeguarding liberty and building safe, democratic and diverse communities.

Our experience has taught us that new challenges often call for new solutions. Today, we face twin perils. On the one hand there is the danger that acts of terrorism could undermine our freedom and the way of life that our freedoms have made possible. On the other hand, we face the equally grave danger that in fighting this pernicious threat we could seriously damage the very freedom and way of life that the terrorists are intent on undermining. There is no road map that will show us the way through this dangerous ground. Instead, we need to recognize that each step taken must be weighed with great care.

We believe that the goals that you enumerated in the inspection program are intended to sustain this balance. We also believe that the program, imperfect though it may be, will further demonstrate to the people of the Commonwealth the need to become more security conscious. No security measures will provide perfect security against determined terrorists. But we need to take steps to raise the threshold for success and harden attractive targets, while being vigilant about our own liberty interests. In this light, the inspection program can be a contribution to physical safety and the protection of democracy.

It is important to recognize however, as the MBTA adopts this new approach, that the ongoing presence of terror threats must not serve as a blanket justification for unlimited implementation of the security program. A policy such as the one in question should be implemented over a limited period of time and then subjected to careful evaluation and reassessment in the context of the nature of the threat to public safety, the impact on the community, and the efficacy of the policy.

Additionally, in introducing the inspection program, it is essential that there be rigorous adherence to the law with regard to administrative searches that do not rely on individualized determinations of suspicion. The written policy appears to be thorough in this regard, and anticipates most of our concerns, though we caution against leaving too much unguided discretion in the field implementation phase of the program, particularly with regard to which method of inspection will be utilized at any given time. We want to be clear that our support of the MBTA's policy is predicated on the belief that only careful implementation and extremely judicious use of the powers you have under the law will increase the public's confidence in the larger goal. We urge you to be certain that all relevant personnel are adequately trained before inspections take place and that any remaining ambiguity is cleared up before the policy is put into action.

We commend the inclusion in the policy of clear prohibitions against treating any passengers differently based on "race, ethnicity or apparent religious faith or affiliation" and also the detailed plans that anticipate the needs and rights of non-proficient English speakers. These aspects of the policy apply, of course, even in the context of providing routine security in the diverse communities of the Commonwealth, and make a major contribution to your efforts to protect the public and our democratic values.

Lastly, we urge you to keep in close contact with community groups (as you have done so far) and to engage the creativity of your staff and community contacts to fashion a thoughtful and comprehensive approach to safety and security. We look forward to your careful application of the new procedures, and to continuing this dialogue about protecting our communities.

Sincerely,

  
 Robert Leikind      Gimmy MacDowell      Andrew Tarsy  
 Regional Director      Regional Board Chair      Eastern States Counsel

Cc: Governor Mitt Romney  
 Michael H. Mulhern, General Manager, MBTA  
 Timothy F. Cullen, Special Counsel, MBTA Police  
 Shenandoah Titus, Outreach Coordinator, MBTA Police